

## Message Text

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PAGE 01 SEOUL 04821 100929Z

ACTION EB-07

INFO OCT-01 EA-07 ISO-00 FEA-01 CIAE-00 DODE-00  
NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00 AGRE-00  
CEA-01 COME-00 FRB-03 H-01 INR-07 INT-05 L-03  
LAB-04 NSC-05 PA-01 EPG-02 AID-05 SS-15 STR-04  
ITC-01 TRSE-00 PRS-01 SP-02 OMB-01 STRE-00 /077 W  
-----100934Z 015804 /10

O R 100853Z JUN 77

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC IMMEDIATE 4411

INFO AMEMBASSY TAIPEI

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E.O. 11652: N/A

TAGS: ETRD, KS

SUBJECT: ORDERLY MARKETING AGREEMENT ON FOOTWEAR

REF: (A) STATE 134085, (B) STATE 133594, (C) SEOUL 4673

1. WE HAVE HAD A FURTHER DISCUSSION WITH LEE KI-CHOON  
ON THE MATTERS COVERED IN BOTH: (1) REF A, CONCERNING  
THE USG PROPOSAL FOR AN EXCHANGE OF SIDE LETTERS EMBODYING  
THE TEXT OF THE PREVIOUSLY PROPOSED AGREED MINUTE NUMBER 5  
OR THE ALTERNATE WORDING SUGGESTED; AND (2) REF B,  
CONCERNING THE PROPOSED TECHNICAL CORRECTION TO PARA 13  
OF THE OMA.

2. THE PROBLEM NOW APPEARS TO REVOLVE LARGEMLY AROUND  
THE MANNER IN WHICH THOSE PROPOSALS ARE HANDLED RATHER  
THAN THE SUBSTANCE OF THE PROPOSALS THEMSELVES. IF  
IT IS ABSOLUTELY NECESSARY THAT THESE TWO CLARIFICATIONS  
BE MADE BY CHANGING THE LANGUAGE OF THE AGREEMENT, OR  
BY COMMITTING THE ROKG TO EXCHANGING SIDE LETTERS WHICH  
IN THE BROADER SENSE ARE ALSO PART OF THE LANGUAGE

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PAGE 02 SEOUL 04821 100929Z

OF THE AGREEMENT, MOFA OFFICIALS WILL HAVE NO CHOICE  
BUT TO SUBMIT THESE PROPOSED CHANGES OR ADDITIONS TO  
THE SAME OFFICIAL ROKG INTERNAL PROCEDURES TO WHICH  
THE OMA ITSELF IS BEING SUBMITTED. THIS WOULD BE  
TRUE, IF THE CHANGE PROPOSED WERE NO MORE THAN THE  
INSERTION OF A COMMA. AS IT IS, IN THE PAST TWO  
WEEKS, MOFA HAS RESORTED TO EVERY SPECIAL EXPEDITING

PROCEDURE AVAILABLE IN ORDER TO HAVE THE OMA SUBMITTED TO TODAY'S CABINET MEETING. AS ONE EXAMPLE, THE STEP OF SUBMITTING THE OMA TO THE VICE MINISTER'S GROUP BEFORE PLACING IT ON THE CABINET MEETING AGENDA WAS SKIPPED, A PROCEDURE THAT IS PERMITTED ONLY IN VERY EXCEPTIONAL CASES. STARTING THIS CLEARANCE PROCEDURE OVER AGAIN WILL RESULT IN A DELAY OF PERHAPS SEVERAL WEEKS.

3. THIS PROBLEM CAN BE AVOIDED ONLY IF IT IS POSSIBLE TO TREAT THESE CLARIFICATIONS AS QUESTIONS OF INTERPRETATION WHICH DO NOT REQUIRE CORRECTIONS IN, OR ADDITIONS OR DELETIONS TO, THE LANGUAGE OF THE AGREEMENT AND WHICH CAN BE CONFIRMED IN SOME FORM OTHER THAN AS PART OF THE OFFICIAL AGREEMENT ITSELF. THIS ALSO RULES OUT SIDE LETTERS EXCHANGED AS AN INTEGRAL PROCESS OF CONCLUDING THIS FORMAL AGREEMENT BETWEEN THE TWO GOVERNMENTS. IN OTHER WORDS, THEY WOULD BE TREATED AS ISSUES RAISED IN NORMAL INTERGOVERNMENTAL COMMUNICATION AND SEPARATE FROM THE FORMAL PROCESS OF SIGNING THE AGREEMENT. THE MODALITIES OF HOW THE TWO GOVERNMENTS CONFIRM TO EACH OTHER THEIR UNDERSTANDING ON THESE POINTS CAN BE WORKED OUT LATER. IN THE MEANTIME, MOFA CAN SEEK, IN NORMAL BUREAUCRATIC PROCEDURES, TO DETERMINE THE ROKG POSITION.

4. AS FAR AS THE SUBSTANCE OF THE TWO ISSUES IS CONCERNED, LEE WAS NOT ABLE TO PROVIDE AN AUTHORITATIVE RESPONSE WITHOUT CONSULTING OTHER RESPONSIBLE ENTITIES  
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PAGE 03 SEOUL 04821 100929Z

WITHIN THE ROKG, BUT IT WAS HIS PERSONAL OPINION THAT THE ROKG WAS NOT LIKELY TO HAVE ANY PROBLEMS WITH INTERPRETATIONS THAT REFLECT THE ESSENCE OF: 1) THE RESTATEMENT OF THE ISSUE ON CLARIFYING 10 B AS CONTAINED IN THE SECOND SUGGESTION IN PARA. 3 OF REF. A; AND (2) THE TECHNICAL CORRECTION FOR PARA. 13 OF THE OMA AS OUTLINED IN PARA. 1 OF REF. B. IN OTHER WORDS, JUST ON THE MERITS OF THE ISSUES THEMSELVES, IT IS HIGHLY PROBABLE THAT AN UNDERSTANDING CAN BE REACHED.  
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## Message Attributes

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**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** FOOTWEAR, TRADE AGREEMENTS  
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**Decapton Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Litigation History:**  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Page Count:** 2  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 STATE 134085, 77 STATE 133594, 77 SEOUL 4673  
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**Review Event:**  
**Review Exemptions:** n/a  
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**Review Withdrawn Fields:** n/a  
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**Subject:** ORDERLY MARKETING AGREEMENT ON FOOTWEAR  
**TAGS:** ETRD, KS, US  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
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22 May 2009  
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